

Appln. No. 10/525,395

Amdt. dated December 19, 2008

Reply to Office Action of September 25, 2008

Amendments To The Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A metal pigment for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized

in that a metallic substrate has a substrate-enclosing single layer thereover produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;

said single layer being the only layer ~~[[on]]~~ over said metallic substrate;

wherein the metallic ~~core-substrate~~ consists of aluminum, exclusive of impurities, 100% of the grain size is < 75 μm and 95% is < 45 μm and the content of mercury is <= 1 ppm, of arsenic <= 3 ppm, of lead <= 20 ppm, and the Al content is >= 99%.

2. (Original) A metal pigment according to claim 1, characterized in that the layer is compatible with a binding agent or carrier of the cosmetic preparation.

Claims 3-9 (Cancelled)

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10. (Previously presented) A pigment according to claim 1, wherein the content of mercury is ≤ 1 ppm, of arsenic ≤ 3 ppm, of lead ≤ 10 ppm, of cadmium ≤ 1 ppm, of heavy metals (as lead) ≤ 40 ppm, the drying loss at 105°C is $\leq 0.5\%$, and the Al content is $\geq 99\%$.

11. (Currently amended) A metal pigment in the form of a bronze pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a single substrate-enclosing layer thereover, produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;

said layer being the only layer [[on]] over said metallic substrate ;

wherein the metallic core contains a content of copper of 70 to 95%, a content of zinc $\leq 30\%$ and a content of aluminum and tin of $\leq 0.5\%$ in each case, and the content of cadmium is ≤ 15 ppm, of lead ≤ 20 ppm, of arsenic ≤ 3 ppm and of mercury ≤ 1 ppm, and 95% of the grain size is $< 45 \mu\text{m}$.

Claim 12 (Cancelled)

13. (Currently amended) A metal pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a single substrate-enclosing layer thereover, produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;

said layer being the only layer over said metallic substrate;

wherein the metallic core consists of silver exclusive of impurities, the content of mercury is ≤ 1 ppm, of arsenic ≤ 5 ppm, of lead ≤ 10 ppm, and the content of silver is $\geq 99.5\%$.

14. (Previously presented) A pigment according to claim 13, wherein the content of silver in the core is $\geq 99.9\%$.

15. (Currently amended) A metal pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a single substrate-enclosing layer thereover, produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;
said layer being the only layer over said metallic substrate;
wherein the metallic core consists of, exclusive of incidental impurities,
≥90% gold, ≤ 7% silver, and ≤ 4% copper.

16. (Previously presented) A pigment according to claim 1, characterized in that the weight ratio of the layer to the metallic core is between 1 and 0.001.

17. (Previously Presented) A pigment according to claim 1, characterized in that the metallic substrate is a metal pigment produced through grinding with lubricants of plant origin.

18. (Previously presented) A pigment according to claim 1, characterized in that the metallic core is formed flake-like with a diameter of 1 to 100 μm and a mean thickness of 0.05 to 2 μm.

19. (Previously presented) A method for producing a pigment according to claim 1, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

20. (Previously presented) A cosmetic preparation containing a pigment according to claim 1.

Claims 21-22 (Canceled)

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23. (Previously presented) A method for producing a pigment according to claim 11, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

24. (Previously presented) A cosmetic preparation containing a pigment according to claim 11.

25. (Previously presented) A method for producing a pigment according to claim 13, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

26. (Previously presented) A cosmetic preparation containing a pigment according to claim 13.

27. (Previously presented) A method for producing a pigment according to claim 15, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

28. (Previously presented) A cosmetic preparation containing a pigment according to claim 15.